

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00008

Raul Vega,
Plaintiff,

v.

David Guiterriez et al.,
Defendants.

ORDER

Plaintiff Raul G. Vega, an inmate at the Texas Department of Criminal Justice Stiles Unit, proceeding pro se and *in forma pauperis*, filed this lawsuit complaining of alleged violations of his rights pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge John D. Love. On May 30, 2023, the magistrate judge issued a report recommending that this case be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). Doc. 13. Plaintiff acknowledged receipt of the report and recommendation on June 6, 2023. Doc. 16. Plaintiff has not filed an objection to the report and recommendation, and the timeframe for doing so has passed.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation.

Accordingly, this case is dismissed with prejudice for failure to state a claim pursuant to 28 U.S.C. § 1915A(b)(1). The dismissal of this action under § 1915A(b)(1) as frivolous counts as a strike under 28 U.S.C. § 1915(g). *See Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996). Plaintiff is warned that if he accumulates three strikes he will not be permitted to proceed *in forma pauperis* in any civil action or appeal filed while he is incarcerated or

detained in any facility unless he is under imminent danger of serious physical injury. *See* § 1915(g). All motions pending in this civil action are denied.

So ordered by the court on August 16, 2023.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge